

October 5, 2016

Hon. Tom Wheeler
Chairman
Federal Communications Commission
445 12th St SW
Washington, DC 20554

Re: Protecting the Privacy of Customers of Broadband and Other Telecommunications Services, WC Docket No. 16-106

Dear Chairman Wheeler:

Common Sense Kids Action is committed to ensuring that children and teens' privacy is protected online—including on broadband networks, at home and at school. Common Sense Kids Action is the advocacy arm of Common Sense, the nation's leading nonprofit organization dedicated to improving the lives of kids and their families by providing the trustworthy information, education, and independent voice they need to thrive in our 24/7 digital world.

The broadband privacy protections under consideration by the Federal Communications Commission (FCC) are especially important for children and teens. Today's youth are living out their days almost entirely online at home, at school, and in between. This provides young people with new opportunities to connect, learn, and create, and online actors with new opportunities to track, mine, and target.

Children's special susceptibility to privacy harms is widely acknowledged and accepted, even by those who oppose the FCC's rulemaking in favor of a so-called "Federal Trade Commission (FTC) framework."¹ Children's information, all of it, is sensitive. This is why the FTC's COPPA Rule protects a wide swathe of children's information—not just their social security numbers. Indeed, COPPA protects many other pieces of children's information: street name, photos, screen names, even how a child moves across different sites and services over time.² Under COPPA, operators cannot use or share a child's online browsing history for behavioral marketing or profiling, unless a parent has consented.³

Children's web and app activity deserves no fewer protections from the FCC than the FTC. All of it is sensitive, and all of it deserves opt-in protection. And, the same is true

¹ See, e.g., a recent filing by Google in this proceeding dated October 3, 2016, stating that, "opt-in consent is appropriate for the sharing of sensitive data (health, financial, and children's information, social security numbers, precise geolocation data, and content of consumer communications) with third parties..."

² See 16 CFR § 312.2.

³ See 16 CFR §§ 312.3, 312.5; 78 Fed. Reg. 3981 (2013).

of teens, who are also particularly vulnerable to internet privacy harms, as we have explained in our Comments.

As we and other supporters of the FCC's proceeding have detailed in previous filings, children and teens' web browsing and online activity is inextricably intertwined with others' activity on the network. Indeed, providers would be hard pressed to determine which browsing information is that of a child or teen versus an adult unless they dug deep and inspected all of the information. Therefore, Common Sense supports a strong baseline rule that would protect the privacy of everyone online, including their browsing activity. The general default rule should be opt-in.

Children, teens, families, and all users of broadband deserve the right to control what happens to their personal information on the network. We urge you to move forward with this proceeding, and to protect the privacy of all Americans, including families and kids.

Sincerely,

/s/ Ariel Fox Johnson

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